

REMARKS/ARGUMENTS

Reconsideration and allowance of all claims remaining of record are respectfully requested. Claims 1-11 are currently pending.

The disclosure was objected to by the Examiner. Marked-up and clean copies of a substitute specification in compliance with 37 CFR § 1.125(a) are submitted herewith. The substitute specification contains no new matter. Withdrawal of the objection is requested.

By this amendment, claims 1-7 and 9-11 are amended to more particularly point out and distinctly claim Applicants' invention. Dependent claim 7 is amended to depend from dependent claim 6. The Abstract is also amended to more clearly reflect the features set forth in the claims.

The rejection of claims 1-3, 5-8, 10 and 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over Ohno et al. (U.S. Patent No. 5,609,525) in view of the operation of a conventional "circular buffer" is respectfully traversed.

Applicants' independent claims 1 and 5 have been amended to more clearly point out that a writing of the last game data to a selected write-objective backup area is prohibited *if two or more writable backup areas are determined not to be present in said nonvolatile memory.*

Applicants' independent claims 10 and 11 have been amended to more clearly point out that *writing of the last game data into a backup storage area is canceled if writing to a backup storage area can not be performed and only a single remaining backup storage area is available.*

These amendments are fully supported by applicants' specification, for example, as described at page 25 in lines 6-19 and Figure 14. In these passages, applicants' specification effectively discloses a solution for the problem of saving most of the latest or recent game data changes while still providing a way to ensure that a previous game playing session's game data is protected and not inadvertently overwritten in the event that a particular backup storage area of a

nonvolatile memory that is used with the gaming device goes bad or becomes defective and can no longer be used to save game data. In other words, applicants' specification effectively teaches that if and when a particular backup storage area in a nonvolatile memory for some reason becomes unwritable (unusable) and the number of remaining useable backup storage areas is reduced to one, then further writing of backup data is inhibited to ensure that at least a previous game playing session's game data is preserved and not overwritten.

Neither Ohno et al. nor the operation of a conventional "circular buffer" nor any of the prior art of record teaches or suggests this disclosed approach toward backing up game data as is now set forth in applicants' independent claims as amended. Accordingly, it is respectfully submitted that dependent claims 1, 5, 10 and 11 are patentably distinct over the teachings of Ohno et al. in view of the operation of a conventional "circular buffer."

Claims 2, 3 and 6-8 are dependent on either claims 1 or 5 and since neither Ohno et al. nor the operation of a conventional "circular buffer" nor any of the prior art of record suggest the features or steps as discussed above and set forth in applicants' independent claim 1 or 5, it is respectfully submitted that dependent claims 2, 3 and 6-8 are patentable over the individual as well as the combined teachings of these references.

The rejection of dependent claims 4 and 9 under 35 U.S.C. §103(a) as allegedly being unpatentable over Ohno et al. in view of Himoto et al. (U.S. patent 6,478,697) is also respectfully traversed for at least the same reasons as set forth above in regard to independent claims 1 and 5 from which claims 4 and 9 respectively depend.

Himoto et al. considered either alone or along with Ohno et al. or any of the prior art of record does not teach, disclose or suggest the above discussed features set forth in applicants' independent claims as presently amended. Claims 4 and 9 are respectively dependent on claims

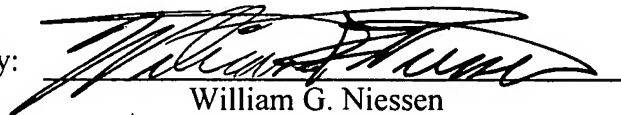
1 and 5, and since neither Ohno et al. nor Himoto et al. considered either alone or together teach or suggest the features or steps as discussed above and set forth in applicants' independent claims 1 and 5 as amended, it is respectfully submitted that dependent claims 4 and 9 are also patentably distinct over the teachings of Ohno et al. and Himoto et al. for at least the same reasons set forth above with respect to claims 1 and 5.

In view of Applicant's foregoing remarks, it is believed that the application is in condition for allowance. Favorable consideration and allowance of this application are respectfully solicited. If any small matter remains outstanding, the Examiner is encouraged to telephone Applicants' representative at the telephone number listed below.

Respectfully submitted,

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